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**Subject:** EPA Mid-Atlantic Region Headlines - Tuesday, February 5, 2019

# EPA Mid-Atlantic Region Headlines

Tuesday, February 5, 2019

\*\*\* DAILY HOT LIST \*\*\*

## 20 Pa. counties, including several near Clairton Coke Works, on code orange air quality alert

**STATE IMPACT PENNSYLVANIA (NPR)** Twenty Pennsylvania counties are under a state-imposed Code Orange Air Quality alert, including Allegheny, Beaver, Westmoreland and Washington counties. This is due to higher than normal levels of fine particulate pollution, which are tiny particles that can be inhaled and cause health problems. The state Department of Environmental Protection attributes the poor air quality to warmer temperatures and a lack of wind, which prevents the particles from blowing away. The Allegheny County Health Department is also warning residents that air pollution locally will likely spike Tuesday. Air quality in Pittsburgh was at an Air Quality Index of “moderate” Saturday and Sunday, meaning air quality is acceptable but could pose a danger for select groups especially sensitive to air pollution. However, air quality in Clairton was categorized as “unhealthy” over the weekend. At the “unhealthy” range, the government says all people may start to experience adverse health effects. Poor air quality may have been exacerbated in Clairton because of December’s Clairton Coke Works fire, which damaged pollution controls. “The issue is particularly acute in the Mon Valley, but it affects all of the air in Allegheny County,” said Matt Mehalik, executive director of the Breathe Project. “This is just an unfortunate piling on of issues.” U.S. Steel has said most of the repairs on the Clairton Coke Works could be done by May. The facility has changed its operations in the meantime to lower its emissions. U.S. Steel and the Allegheny County Health Department did not comment for this story. The other counties involved in the air quality alert are: Butler, Armstrong, Fayette, Northampton, Lehigh, Berks, Cumberland, Dauphin, York, Lebanon, Lancaster, Philadelphia, Bucks, Delaware, Montgomery, and Chester...

## Residents respond to Delaware City Refinery fire

**DELAWARE PUBLIC MEDIA (NPR)** After Sunday’s fire at the Delaware City Refinery, some residents are complaining of poor communication and unanswered questions. The fire at the Delaware City Refinery crude unit Sunday burned for over 12 hours, according to officials. Roads were blocked off and residents in other cities reported smelling smoke. “As I was sitting there watching what was going on, I knew where things were so I could pack up my car and leave if I had to quickly,” said Kristina Lynn, who lives off Rt. 9 in Delaware City. Lynn felt there was not enough communication from government officials during the fire. “I don’t have a landline. So they had a robocall, and I didn’t get it. And I think that’s most of the community these days,” she said. She saw a tweet from the state Department of Natural Resources and Environmental Control (DNREC) several hours after the fire started. Unknown amounts of sulfur dioxide and hydrogen sulfide were released from the Refinery starting around noon, according to a notification from the Delaware City Refinery through the Delaware Environmental Release Notification System (DERNS). The release duration is described as “continuous.” DNREC officials say release of more than 100 lbs. of sulfur dioxide must be reported to

DERNS. Hydrogen sulfide is flammable and “extremely hazardous,” according to OSHA, causing coma or death at high concentrations. Sulfur dioxide can harm the respiratory system, especially for sensitive groups, and can contribute to fine particulate matter pollution, according to the EPA. A DNREC official confirmed that intermittent flaring occurred throughout the fire at the Refinery Sunday. The Refinery is permitted by DNREC to operate its flare system to dispose of combustible gases that are released during refinery upsets, startups, and shutdowns. According to DNREC officials, flaring converts toxic hydrogen sulfide into less dangerous sulfur dioxide. DNREC notes the exact amounts of hydrogen sulfide and sulfur dioxide released Sunday are not yet known. But the agency says they did not detect either of these pollutants in the air Sunday. A DNREC statement issued Monday says “all community and onsite air monitoring by both DNREC and the Delaware National Guard’s 31st Civil Support Team was ‘non-detect’ for the pollutants hydrogen sulfide and sulfur dioxide from the time the fire started just after noon Sunday into the evening.” DNREC also says volatile organic compounds (VOCs) were not detected at hazardous levels. “I have asked the director of the Division of Air Quality how did you determine that? Were air monitors used? Where were they located? What were the readings? And so far I haven’t had any of those questions addressed,” said environmental advocate Amy Roe...

## Delaware joins lawsuit against EPA for out-of-state emissions

DELAWARE PUBLIC MEDIA (NPR) (Sunday) Attorney General Kathy Jennings is adding Delaware to a list of five other states and the city of New York suing the EPA for not enforcing rules protecting states from pollution generated in neighboring states. The suit challenges the Trump administration’s decision last year to roll back regulations in the Obama-era Cross-State Air Pollution Rule. Delaware’s Department of Natural Resources and Environmental Control previously filed four petitions on the matter, requesting the EPA require power plants in West Virginia and Pennsylvania to limit their emissions. DNREC claims those plants are polluting the air in the First State. Delaware’s Department of Justice points to an American Lung Association statistic stating more than 127,000 Delawareans have lung diseases. The DOJ claims those individuals are put at risk by smog blown in from neighboring states. In a statement, Jennings said, “The EPA isn’t doing its job, and Delaware is paying the price.” She went on to say, “If the President won’t hold himself accountable to the law, we’ll do it for him.” New Jersey, Connecticut, Massachusetts, Maryland and New York are the other states filing suit.

## Pittsburgh Water Authority Charged Criminally Over Lead Service Lines

ASSOCIATED PRESS (Pa.) (Feb. 1) Pittsburgh’s water and sewer authority was charged criminally Friday over allegations that it mishandled a lead pipe replacement program and put more than 150 households at elevated risk of lead poisoning. The Pennsylvania attorney general’s office filed 161 misdemeanor counts against the Pittsburgh Water and Sewer Authority, each charging a violation of the state’s safe drinking water law. The authority had previously admitted civil liability in the case and was fined \$2.4 million by state environmental regulators. Pittsburgh has for years struggled with high levels of lead in its drinking water, and the authority is under a state mandate to replace at least 7 percent of its lead service lines each year. In 2016 and 2017, prosecutors said, the authority replaced water lines without giving residents advance notice they were doing so, breaking state law. Because lead levels can temporarily spike in drinking water during pipe replacement, the law requires water systems to warn customers ahead of time and provide information on how they can minimize exposure to lead. The Pittsburgh authority also failed to test the residents’ water for lead after replacing the lines, another violation of state law, according to the charges. “The Water and Sewer Authority knew it was required to notify residents of its plans to replace service lines, and it knew it was required to sample the lines for lead content, yet it failed to do so,” Attorney General Josh Shapiro said at a news conference in Pittsburgh on Friday. “That makes PWSA criminally liable.” Lead can cause lifelong brain damage and other injuries, especially in children. Executive Director Robert A. Weimar says the authority is “deeply disappointed” by Shapiro’s decision to press criminal charges, saying the problems were addressed by the authority’s civil settlement with the state Department of Environmental Protection. He said the authority intends to defend itself. “Additional fines related to these previous missteps would only divert ratepayer dollars that would otherwise be used for critical water quality improvement projects and programs,” he said in a statement. The water authority serves about 300,000 customers in Pittsburgh and the suburbs. The city leases its water and sewer system to the authority, whose board is appointed by the mayor and approved by City Council...

## The Energy 202 Blog: Senators from both parties press EPA to limit two

## toxic chemicals

**WASHINGTON POST** One-fifth of the Senate is pressing the Environmental Protection Agency to do more to prevent two toxic chemicals from getting into Americans' drinking water — after a report last week indicating the agency is not going to restrict them under the Safe Drinking Water Act. In a letter led by Jeanne Shaheen (D-N.H.) and Shelley Moore Capito (R-W.Va.), 20 senators from both sides of the aisle urged the agency to develop standards for a pair of chemicals — perfluorooctanoic acid and perfluorooctanesulfonic acid, more commonly known as PFOA and PFOS — found in millions of Americans' drinking water. They are demanding the federal government remove these toxic chemicals from drinking water and regularly test for them. “EPA’s inaction would be a major setback to states and affected communities,” the senators wrote to acting agency administrator Andrew Wheeler. “Therefore, we urge you to develop enforceable federal drinking water standards for PFOA and PFOS.” The letter is the latest escalation of tensions between members of Congress and the EPA over the regulation of a class of chemicals that has proven to be a headache for Trump administration officials at the agency. The EPA came under criticism last year for delaying the release of a health study on the chemicals after a White House official warned in an internal email that its release could turn out to be a “public relations nightmare.” The EPA earned more bad press after kicking reporters out of a forum on the issue in May. The letter Friday puts Wheeler in a potentially tough spot. His nomination to officially become the EPA’s head official — and drop the “acting” title — is up for a vote this week in the Senate Environment and Public Works Committee. Capito sits on the panel, where Republicans hold a slim one-vote majority...

## Coal Comeback? Coal At New Low After Two Years Under Trump

**WEST VIRGINIA PUBLIC BROADCASTING (NPR)** It’s been two years since President Donald Trump took office and began rolling back environmental regulations on the coal industry. At a November rally in Huntington, West Virginia, the president took credit for a coal comeback in front of a cheering crowd. “We’ve ended the war on beautiful, clean coal and we’re putting our coal miners back to work,” he said. “That you know better than anybody.” But federal data about the industry tell a different story. Mine operators and independent contractors are required to report regular employment information to the Department of Labor’s Mine Safety and Health Administration, or MSHA. Preliminary figures for 2018 show 80,778 people were employed by mine operators and contractors. That’s a record low, and about a thousand fewer than were employed by coal in the last year of the Obama administration. Nationwide, coal plant retirements neared a record high, and overall coal production dropped to the lowest level in nearly 40 years, according to the U.S. Energy Information Administration, a non-partisan government agency that tracks energy trends. In the Ohio Valley, things looked much the same. In 2018 two prominent Ohio Valley utilities announced a spate of coal power plant closures, federal data show the region lost 150 industry jobs, and Westmoreland Coal, which has a substantial presence in Ohio, declared bankruptcy. However strong exports of one type of coal continued to support jobs for those who provide metallurgical coal, which is used to make steel. That boosted employment in West Virginia, where the president’s supporters say he is keeping his promise to revive the industry. Elsewhere, others aren’t convinced and are looking for ways to fill the void left by coal’s decline. The Trump administration has leaned heavily on the U.S. Environmental Protection Agency to try to boost the region’s coal industry. In March, 2017, Trump signed an executive order that kicked off an in-depth review of a series of environmental regulations. Since then, the administration has proposed a series of regulatory rollbacks aimed at helping struggling coal plants and operators...

## Butane leak reported at Marcus Hook plant

**DELAWARE COUNTY DAILY TIMES** **MARCUS HOOK** — A butane leak was reported in the Industrial Complex Monday afternoon, according to a message posted on the Borough of Marcus Hook page on Facebook. According to the post, the borough was notified of a leak about 4 p.m. Subsequently, borough police responded and temporarily closed Post Road, between Blueball Avenue and Sungate Diner as a precaution. The leak was contained, and there were no additional safety measures required, according to the post. Phone calls to the plant seeking comment were not returned last night. The complex is home to Energy Transfer Partners, the parent company of Sunoco, and currently serves as an off-take outlet for the controversial Mariner East 1 and Marine East 2 pipelines. Mariner East 1 is currently shut down, but Energy Transfer Partners continues to move liquid gases such as butane, ethane and propane from the state’s Marcellus Shale regions to the facility in the borough, where it will be stored and then shipped out, mostly to overseas customers. The complex includes terminal and storage assets - with a storage capacity of about 3 million barrels of natural gas liquids. The Mariner East 1 and 2 pipelines have sparked intense opposition in the

community, where residents have voiced concerns about routing such volatile materials through densely populated neighborhoods, in close proximity to schools and senior centers,. Mariner East 1 was shut down in January after a sinkhole formed in the backyard of a home in West Whiteland, Chester County. It was the second time sinkholes formed in the same neighborhood. The state Public Utility Commission shut down Mariner East 1 and halted construction on Mariner East 2 last winter after sinkholes believed linked to drilling for the Mariner East 2 pipeline exposed the older Mariner East 1 pipe. Eventually, ETP plans to construct a third pipeline, Mariner East 2x, in the same area and will ship hundreds of thousands of barrels of natural gases to Marcus Hook every day. Mariner East 1 is a smaller, older pipeline, actually the old, original Sunoco petroleum pipeline that has been retrofitted to handle liquid gases. Mariner East 2 is a larger, 20-inch pipeline, although delays and work stoppages forced the company to create a hybrid mix of pipes in order to put it online as promised by the end of 2019...

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## PENNSYLVANIA

### PHILADELPHIA INQUIRER

Pa. Gov. Tom Wolf to unveil budget with familiar call for a tax on natural gas drillers, but with a twist HARRISBURG — When Gov. Tom Wolf delivers his budget address Tuesday, he is expected to call for more money for public schools, a higher minimum wage for Pennsylvania workers, and a new tax on natural-gas drillers. In doing so, the Democratic governor who is now unfettered by reelection concerns — and has been openly showcasing his progressive roots — will have to persuade a more conservative, Republican-controlled legislature to buy in to his plan. Although administration officials have closely guarded details of Wolf's budget, a few things appear certain: Wolf will not ask for hikes in the income or sales tax, the state's two biggest revenue-generating levies. He will ask for additional funding for public schools, as he has every budget year since taking office in 2015. He will ask for money for career and technical training, which has been a recent talking point for Republicans. And he will try, for the fifth time, to persuade lawmakers to impose a severance tax on drillers — although with a twist. The governor announced last week that he does plan to seek a severance tax on Marcellus Shale natural-gas drilling to help fund disaster recovery and infrastructure projects. But, he said, he is not planning on using that money to balance the state's books, as he has in past years. Instead, if the measure were approved — a long shot in the historically resistant legislature — the money would funnel through a separate account...

Navy searching for new landfill to take contaminated soil from site of Willow Grove base (Feb. 1) The Navy has finished excavating contaminated soil from a former base in Willow Grove and is looking for a new place to deposit it after a New Jersey landfill backed out of taking it this week, a military official said on Friday. The soil, which was excavated between November and January, is being contained and stored on the site until a new disposal site is found. "It may take the Navy several weeks to remobilize, load, and transport the soils to an alternate disposal facility," said Willie Lin, an environmental coordinator for the former base. The Cumberland County Improvement Authority had agreed to take the soil but backed out after environmental activists voiced concerns. The chemicals present in the soil, known as PFAS, were used in firefighting foams on the base and have seeped into the drinking water supplies of surrounding communities. In information previously released about the excavation, the military had said the contaminated soil posed an "imminent threat" to the public and could continue leaching into groundwater. Excavating the soil was one step in remediating contamination on the base. Now that it is excavated, this soil — which was the top 5 percent most-contaminated soil on the base — will not continue leaching chemicals. Other soil and groundwater on base are still contaminated, potentially threatening future drinking water. The soil does not meet the EPA classifications for a hazardous substance. The Navy sampled the soil for PFAS, followed regulations, and had EPA approval for the New Jersey dump site, Lin said. Lin did not indicate how much money the Navy would have spent to move the soil to the New Jersey facility, but said the military would try to find a new place to take it at no additional cost...

Schuylkill rowers close gap on dredge money, but still risk losing big regattas A rowing organization says that it is closer to reaching a goal of \$4.5 million for a much-needed dredging of the Schuylkill, but that if the gap isn't closed soon, big regattas might go elsewhere. The funding race is coming down to the wire, said Paul Laskow, chairman of the Schuylkill Navy River Restoration Committee. Supporters have only until March to come up with the money. Laskow said he

believes the supporters are less than \$1 million away from the total. He credits officials from Mayor Jim Kenney's office, the Department of Parks and Recreation, and the Managing Director's Office with helping close the gap. "It's still very much a close call, but I'm feeling pretty optimistic," Laskow said. Laskow said the deadline is needed so there's time to put the dredge project out to bid by May and start work in July. There's only a narrow window when the work can be done, he said, without disrupting a big chunk of the fall regatta season. The project is expected to take about 90 days. Laskow has pushed for several years to have the river dredged after it became apparent silt buildup along the famed national racecourse was making lanes an uneven depth. Racers want even depth lanes for fairness. The race course runs from above Strawberry Mansion Bridge to the Columbia Railroad Bridge. Boathouse Row, farther downriver, runs to the Fairmount Dam. In all, that's 3.5 miles of river to be dredged. The area has not been dredged since 1999. Silt has created shallow waters in at least two of six lanes of the national course used in such famed regattas as the Dad Vail and Stotesbury Cup. Lane 6 is less than two feet deep in places, while other lanes are closer to 10 feet deep. Moreover, some areas in front of Boathouse Row measure less than a foot, creating a hazardous situation for rowers, who could get stuck. Laskow said the regattas draw national attention and pump millions into the local economy. Last year, the rowers turned to the U.S. Army Corps of Engineers, but it said a dredge is not within its scope to pay for because it deems the use as recreational. So the rowers turned to the city and six universities that use Boathouse Row and racecourse for help...

### PHILLY VOICE.COM

Wolf seeks \$4.5B infrastructure program funded by Marcellus Shale tax (Jan. 31) Pennsylvania Gov. Tom Wolf said Thursday that he will ask lawmakers to approve a severance tax on Marcellus Shale natural gas production to finance a multibillion-dollar infrastructure plan. The \$4.5 billion initiative, dubbed Restore Pennsylvania, will encompass new and expanded programs to address five priority infrastructure areas: high-speed internet access, storm preparedness and recovery, downstream manufacturing facilities and energy infrastructure, blight demolition and redevelopment, and transportation capital projects. The projects will be driven by local input about local needs, the governor said. Wolf, a Democrat forging ahead for a second term, has recommended a tax on Marcellus Shale natural gas production every budget year since taking office in 2015. Pennsylvania is the second-highest natural-gas producing state in the country. The governor is hoping to line up support for the severance tax from legislators by linking it to the infrastructure projects. "It is far past time that Pennsylvanians stop allowing our commonwealth to be the only state losing out on the opportunity to reinvest in our communities," Wolf said in a statement. "And as long as that is allowed to continue — my vision of a restored Pennsylvania that is ready to compete in the 21st century economy will never become reality." The Republican-controlled Legislature will have to approve the tax, which it has so far rejected. At least one local Republican is on board...

### PITTSBURGH POST-GAZETTE

Westmoreland residents remain concerned about flaring, ongoing deep gas well issue

(Feb. 3) Residents in Westmoreland County remain concerned after increased traffic and flaring at nearby natural gas wells continued following a "pressure anomaly" last week at one of CNX Resources Corp.'s horizontal Utica Shale drilling sites last week. "When you came through there last night, the sky was on fire," Robert Schimizzi of Washington Township said Sunday. "The wells were burning, and nobody knew why." As of Sunday, CNX was flaring seven nearby conventional wells, which can reach as deep as 3,000 feet, CNX spokesman Brian Aiello said. Gas pressures increased last week at nearby shallow wells after the company was fracking at the much deeper — a little more than 2 miles below the ground — and horizontal Shaw 1G well site between Tower Run Road and the Beaver Run Reservoir on the property of the Municipal Authority of Westmoreland County. Fracking is the process of pumping fluids and sand at high pressure to break shale formations and release gas. CNX suspended fracking operations...

DEP Monitoring Pressure Problem From Fracking Deep Gas Well In Westmorland County, Crews Coming From Out Of State To Kill The Well (Sunday) CNX Resources Corp. has spent the past week trying to get a Utica Shale well near the Beaver Run Reservoir in Westmoreland County under control after a problem there was followed by gas pressures spiking at nearby shallow wells. The Cecil-based oil and gas firm was fracking its Shaw 1G well in Washington Township on Jan. 26 when it detected a strong drop in pressure, the company told environmental regulators. It stopped fracking and found some type of obstruction in the well bore, said state Department of Environmental Protection spokeswoman Lauren Fraley. CNX also told the DEP that four conventional — that is, shallower, vertical wells — nearby showed spikes

in pressure, a sign of communication between the gas in the Utica well and the four other wells in the vicinity. Neighbors described a parade of trucks and hard-hatted workers dispatched to the Shaw pad and to properties with shallow wells, some of which are being flared to relieve the...

Legislators pitch a bill to rescue Pennsylvania's nuclear plants Pennsylvania lawmakers took the first step toward proposing a rescue of the state's financially challenged nuclear power plants on Monday, setting the stage for a battle of energy giants in the Legislature this spring. Six state senators from both parties and Rep. Thomas Meahaffie, a Republican from Dauphin County, circulated memos inviting other members of the House and Senate to sign on to bills they said could forestall early retirements of the state's nuclear plants by rewarding them for generating electricity without emitting climate-warming gases. Pennsylvania's nuclear plants are struggling to compete against a wave of natural gas plants in the electricity market that are taking advantage of cheap, local fuel flowing from the region's Marcellus Shale wells. Exelon Generation plans to close its money-losing Three Mile Island nuclear plant near Harrisburg in September. And though the financial picture for the Beaver Valley nuclear plant in Shippingport looks better — the independent market monitor for the regional grid said the plant had a \$165.2 million operating surplus last year — its bankrupt owner, Akron, Ohio-based FirstEnergy Solutions, plans to shut down the two reactors in 2021. Without action, the legislators said, "The commonwealth's three other nuclear power plants are likely not far behind." The legislators propose to integrate nuclear power into the state's existing Alternative Energy Portfolio Standards Act, a 2004 law that requires power companies to get an increasing percentage of their electricity from sources like wind, solar, hydropower, landfill methane and waste coal. Currently, 15.2 percent of the electricity sold in each utility's service territory must...

AG Files 161 Criminal Charges Against Pittsburgh Water Authority Over Lead Levels In Water Pittsburgh -- Pennsylvania Attorney General Josh Shapiro announced Friday that he filed 161 criminal charges against the Pittsburgh Water and Sewer Authority relating to lead levels in the water exceeding legal limits. A press release from Shapiro's office says that the PWSA created health risks after failing to tell residents when it has replaced lead water lines. Shapiro also says the authority didn't sample those replacement lines within the legally required time frame. "Pennsylvanians have a constitutional right to clean air and pure water - I'm here to defend that," Shapiro said.. The authority could face fines of \$12,000 per violation...

Testing from December showed that PWSA was still out of compliance with federal standards for lead in drinking water. More than 10 percent of the 161 homes sampled had lead levels above the EPA threshold of 15 parts per billion.

PWSA officials said last month the authority planned to start using a new chemical, orthophosphate, to prevent lead from pipes from leeching into the water. Executive Director Bob Weimar has said that the chemical will be more effective than current corrosion control measures.

The authority had originally hoped to begin adding orthophosphate to water in August 2018, however that plan was not approved by the state Department of Environmental Protection until September 2018.

Editorial: Respect state parks:

### **PITTSBURGH TRIBUNE REVIEW**

Review finds Harrison chemical dump at AlSCO Park remains contained (Sunday) At least one Harrison resident would like a place to play pickleball. That was about the extent of the public's comment when federal environmental authorities conducted their once- every-five years review of the Lindane Dump Superfund Site located off Springhill Road — part of which is home to AlSCO Community Park. It has been almost 20 years since the multi-million dollar project to contain and treat the toxic substances, including the cancer-causing pesticide lindane, buried at the roughly 62 acre site, was completed. The park, owned by Harrison Township, covers a little more than 14 acres; the rest, about 47.5 acres, is owned by the former Allegheny Ludlum Steel Corp., which is now part of Allegheny Technologies Inc., or ATI. The most recent review, conducted last year, found the cap and systems to treat water coming from the site are working to

protect human health and the environment by preventing exposure to the contaminated waste, soil and groundwater. The park is safe to use, U.S. Environmental Protection Agency spokesman Roy Seneca said. "EPA is not aware of any adverse effects on individuals' health from the contaminants at the site since the remedy has been constructed," Seneca said. "Impacts to the environment have been mitigated by construction of the multilayer cap and ongoing operation of the leachate/shallow groundwater collection and treatment system." Despite those reassurances and the report's findings, some township residents remain reluctant to use the park because of its history, Harrison Commissioner Bill Heasley said. He grew up in that area and played softball at the park...

Pittsburgh Water Authority Faces 161 Criminal Charges For Lead Water Line Violations (Feb. 1) Pennsylvania Attorney General Josh Shapiro on Friday charged the Pittsburgh Water and Sewer Authority with potentially endangering the health of 161 households by failing to notify residents when the agency replaced lead water lines. Shapiro said investigators found no evidence that anyone working for PWSA intended to harm Pittsburgh residents, thus his office filed 161 criminal counts — one for every home impacted by PWSA's actions — directly against the authority. PWSA faces fines totaling \$201,250 to \$2 million for violating Pennsylvania's Safe Drinking Water Act, the attorney general said. PWSA officials said a fine would ultimately come from sewer and water fees paid by ratepayers. "It makes no sense," said Kenneth Johnson, 61, of Homewood, whose home was among the 161 whose lines were replaced without the required notice. "Our bills are already going up ... and our bills are going to continue to go up. It's not going to be fit to live in this town. You aren't going to be able to afford the water."...

## ***STATE IMPACT PENNSYLVANIA***

20 Pa. counties, including several near Clairton Coke Works, on code orange air quality alert Twenty Pennsylvania counties are under a state-imposed Code Orange Air Quality alert, including Allegheny, Beaver, Westmoreland and Washington counties. This is due to higher than normal levels of fine particulate pollution, which are tiny particles that can be inhaled and cause health problems. The state Department of Environmental Protection attributes the poor air quality to warmer temperatures and a lack of wind, which prevents the particles from blowing away. The Allegheny County Health Department is also warning residents that air pollution locally will likely spike Tuesday. Air quality in Pittsburgh was at an Air Quality Index of "moderate" Saturday and Sunday, meaning air quality is acceptable but could pose a danger for select groups especially sensitive to air pollution. However, air quality in Clairton was categorized as "unhealthy" over the weekend. At the "unhealthy" range, the government says all people may start to experience adverse health effects. Poor air quality may have been exacerbated in Clairton because of December's Clairton Coke Works fire, which damaged pollution controls. "The issue is particularly acute in the Mon Valley, but it affects all of the air in Allegheny County," said Matt Mehalik, executive director of the Breathe Project. "This is just an unfortunate piling on of issues." U.S. Steel has said most of the repairs on the Clairton Coke Works could be done by May. The facility has changed its operations in the meantime to lower its emissions. U.S. Steel and the Allegheny County Health Department did not comment for this story. The other counties involved in the air quality alert are: Butler, Armstrong, Fayette, Northampton, Lehigh, Berks, Cumberland, Dauphin, York, Lebanon, Lancaster, Philadelphia, Bucks, Delaware, Montgomery, and Chester.

NJ DEP says feds didn't consider several health risks before approving PFAS substitutes New Jersey scientists are accusing the federal government of failing to consider many health risks posed by a group of chemicals that are designed to substitute for some of the toxic PFAS substances that are now strictly regulated by the state. The substitutes, known as GenX and PFBS, may be as toxic as the chemicals they are replacing, but have been approved by the U.S. Environmental Protection Agency for use by industry even though the agency did not examine their links to cancer and reproductive and developmental problems in humans, the state scientists said. The comments from the New Jersey Department of Environmental Protection are contained in its response to an EPA study on the toxicology of the substitute chemicals. "Subsequent to USEPA's approval, GenX was indeed found to cause reproductive, developmental and carcinogenic effects," the DEP wrote in a submission to EPA, dated Jan. 22 and posted to the government's [Regulations.gov](https://www.regulations.gov) website late last week. It said the substitute chemicals have been found in many public and private drinking water sources around the world, including in "private potable wells" at an "industrial source" in New Jersey, and at an unidentified site in the Delaware River between New Jersey and Pennsylvania. The DEP also cited a chemical it called "Solvay's Product," which it says has been "tentatively identified in environmental media in New Jersey." The chemical has been given an identifying number by the Chemicals Abstract Service indicating that it has been found in soil near the site of Solvay Specialty Polymers in West Deptford, in Gloucester County, according to EPA records. In 2013, high levels of the



chemical PFNA — part of the PFAS family — were found near the Solvay facility, which used the chemical there until 2010. The DEP said the EPA used only “minimal” toxicity data to assess the Solvay chemical, and did not study whether it causes cancer or whether it has reproductive or developmental effects. The chemical has been approved by the EPA...

Gas driller Cabot wants Dimock man thrown in jail for contempt (Feb. 1) A gas driller is escalating its campaign against a Pennsylvania homeowner who’s long accused the company of polluting his water, demanding that he be thrown in jail over his failure to submit to questioning as part of the company’s \$5 million lawsuit against him. Houston-based Cabot Oil & Gas Corp. sued Dimock resident Ray Kemble and his former lawyers in 2017, claiming they tried to extort the company through a frivolous federal lawsuit that recycled already-settled claims of environmental contamination. Cabot also claims Kemble violated a 2012 settlement agreement by repeatedly “spouting lies” about the company in public. In court papers filed this month, Cabot said Kemble had skipped two depositions in the case, and asked a judge to hold him in contempt and put him behind bars until he meets with the company’s lawyers. Kemble, who has said he has cancer, said he was unable to go the depositions because of his poor health. A hearing is scheduled for Monday...

### **DELAWARE COUNTY DAILY TIMES**

Butane leak reported at Marcus Hook plant MARCUS HOOK — A butane leak was reported in the Industrial Complex Monday afternoon, according to a message posted on the Borough of Marcus Hook page on Facebook. According to the post, the borough was notified of a leak about 4 p.m. Subsequently, borough police responded and temporarily closed Post Road, between Blueball Avenue and Sungate Diner as a precaution. The leak was contained, and there were no additional safety measures required, according to the post. Phone calls to the plant seeking comment were not returned last night. The complex is home to Energy Transfer Partners, the parent company of Sunoco, and currently serves as an off-take outlet for the controversial Mariner East 1 and Marine East 2 pipelines. Mariner East 1 is currently shut down, but Energy Transfer Partners continues to move liquid gases such as butane, ethane and propane from the state's Marcellus Shale regions to the facility in the borough, where it will be stored and then shipped out, mostly to overseas customers. The complex includes terminal and storage assets - with a storage capacity of about 3 million barrels of natural gas liquids. The Mariner East 1 and 2 pipelines have sparked intense opposition in the community, where residents have voiced concerns about routing such volatile materials through densely populated neighborhoods, in close proximity to schools and senior centers,. Mariner East 1 was shut down in January after a sinkhole formed in the backyard of a home in West Whiteland, Chester County. It was the second time sinkholes formed in the same neighborhood. The state Public Utility Commission shut down Mariner East 1 and halted construction on Mariner East 2 last winter after sinkholes believed linked to drilling for the Mariner East 2 pipeline exposed the older Mariner East 1 pipe. Eventually, ETP plans to construct a third pipeline, Mariner East 2x, in the same area and will ship hundreds of thousands of barrels of natural gases to Marcus Hook every day. Mariner East 1 is a smaller, older pipeline, actually the old, original Sunoco petroleum pipeline that has been retrofitted to handle liquid gases. Mariner East 2 is a larger, 20-inch pipeline, although delays and work stoppages forced the company to create a hybrid mix of pipes in order to put it online as promised by the end of 2019...

### **BUCKS COUNTY COURIER TIMES**

Bucks Landfill Gas Power Plant, 3rd Largest In Country, Closing A power station that uses gas from Waste Management landfills in Lower Bucks is closing, and gas emissions will instead be burned off by flares. The Exelon station is one of the largest landfill-gas-to-energy facilities in the country. After more than 20 years of operation, Exelon Corp. plans to shutter its Fairless Hills power plant in Falls, marking an unceremonious end of one of the nation’s largest landfill gas power plants. Environmental Protection Agency data show the plant produces about 23.7 megawatts of energy, enough to power about 10,000 homes and third highest in the country. Its total capacity is 60 megawatts, which at full power would be the highest in the country. The facility was built in the 1950s to power the nearby U.S. Steel Fairless Works, but was converted in 1997 to run off landfill gas from nearby Waste Management landfills, according to Exelon. The arrangement won environmental awards for its beneficial re-use of landfill gas, primarily methane, but Exelon has decided to “retire” the site by June 2020. The closure was originally announced in a late November statement, in which Exelon said it would be closing a total of nine such sites across the country. A second, 6.6 megawatt Pennsbury Generating Station in Falls also will be closing. “This is a tough, but necessary decision to better position our fleet for the future, given this prolonged period of flat electricity demand and historically low electricity prices,” Exelon Power president John Barnes said in the release. Exelon spokeswoman Lacey Dean said the closure of the Fairless site will



“impact about 17 full-time positions,” through transfers, voluntary separation and “anticipated attrition.” Christina Simeone, director of policy at the University of Pennsylvania’s Kleinman Center for Energy Policy, said the market for landfill gas has been undercut by an increase in natural gas drilling and supply in recent years. Typically, energy grid operators fire up facilities as electricity demand increases, saving the most expensive sources for last. Simeone says landfill gas operations have shifted toward the expensive end...

### **LEBANON DAILY NEWS**

Coyotes Among Problems For PA Deer Hunters, and non-hunters alike really don’t see many coyotes throughout the Commonwealth. But, according to wildlife specialists, the population is growing at a rapid pace. Some experts believe that there may be hundreds of thousands of them in Pennsylvania. Organizations throughout the state plan to hold over thirty special hunts for the animals this spring, and hunters are signing up in record numbers. The Pennsylvania Game Commission (PGC) believes these hunts will not even put a dent in the population. The PGC also believes that hunters and trappers take more than 40,000 coyotes annually, but that is not nearly enough. Hunters simply cannot control the continual rise in the number of these predators. A spokesman for the Quality Deer Management Association was quoted as saying, “Research shows that you need to remove 75-percent of the population annually, because of the high reproduction rate, there are few areas in the state where this can be done.”...

### **ERIE TIMES NEWS**

Erie-Area Residents Forced To Change Recycling Habits (Sunday) Most aren’t allowed to recycle glass, plastic bags at their curbside. Pro Waste Services spent \$750,000 to construct a building where residential recycling products could be transferred from the small trucks that collect them to large tractor-trailers that transport them to sorting facilities in Grove City, Pittsburgh and Buffalo. The building, located in the 800 block of East 19th Street, was completed in October. Since then, not a single can, glass bottle, newspaper or plastic container has been transferred inside its walls. Currently, the building is used to store the company’s excavator and other large vehicles. “It’s a pretty expensive barn,” said Bryan Pol, Pro Waste’s general manager. “But we aren’t currently doing any residential recycling. It would be throwing away good money after bad.” Pro Waste built the transfer station as part of a \$4 million facility upgrade. The plan was to begin collecting residential recycling from area refuse haulers. However, the recycling industry has changed significantly in the past year, making it less profitable for refuse companies. China, the world’s biggest importer of recycled material, announced in early 2018 that it was banning 24 materials and accepting others only if they contained no more than 0.5 percent impurities — far less than the previous standard of up to 5 percent. Impurities include pieces of broken glass stuck to paper and cardboard, pizza boxes coated with grease and cheese, and plastic shopping bags comingled with plastic containers...

Erie Nature Watch: Does Climate Change Affect Bird Migration? Half of migrating species spotted in Erie are arriving 7 to 10 days earlier than ever before. Does climate change affect bird migration? Local data seems to say it does. A total of 339 species of birds have been recorded in Erie County. Of that total, about 121 species appear to be affected by climate change since 1976. About 150 species are considered migrants. Since 1976, half of those migrating species are arriving seven to 10 days earlier than ever before. About 32 species of birds have been recorded in winter now that were never seen in winter prior to 1976...

### **HARRISBURG PATRIOT NEWS**

Op-Ed: Gut-Checking Pennsylvania’s Climate Moment, Keeping Nuclear Power Plants Open Climate change policy is about to have a moment in Pennsylvania. The Commonwealth’s political leadership has remained silent on climate change for well over a decade, choosing instead to lend its full-throated support to building out the natural gas industry. That could change this year, not because politicians are having a climate epiphany but because the Commonwealth’s nuclear fleet is on life support and needs help. While the political frenzy is picking up speed, it’s crucial that we honestly examine the potential for supporting the existing nuclear fleet because of its carbon benefits while leveraging nuclear legislation to support investments in meaningful amounts of renewable energy. For years, the nuclear industry has been privately raising alarm bells that at least two of the five plants in Pennsylvania — Three Mile Island and Beaver Valley — are likely to close before their licenses expire unless there is some kind of policy intervention. This has been driven by simple economics. A glut of natural gas on the market has kept energy prices low, and this has been exacerbated by natural gas plants not being required to pay the costs of the pollution each emits. As a result, carbon-free generation,

such as nuclear power and renewable energy, face added challenges competing. When other sources of power, like natural gas, play by a different set of rules and gain an unfair advantage, policy changes are needed to level the playing field...

### **INDIANA GAZETTE**

Indiana County Watershed Group Looking To bolster Its Ranks It started 35 years ago when Saltsburg resident Arthur Grguric, along with several fellow coal miners, pooled together and raised money to stock trout in Blackleggs Creek. From there, things developed into what they are today, the Blackleggs Creek Trout Cooperative and Nursery on Marshall Run and eventually the Blackleggs Creek Watershed Association. They've also come a long way from just stocking some trout in one creek. The nursery now raises 15,000 trout a year to stock not only Blackleggs Creek, but several others in the area as well. Last year, the nursery made donations of 250 trout to Twolick Creek, 250 to Pine Creek in Westmoreland County and another 250 to Roaring Run in Armstrong County. The watershed association has also made monumental steps toward improving the ecological state of the creek. Blackleggs Creek has a watershed that covers 42 square miles over several counties. A watershed is an involved system of water that encompasses all of the connections among creeks, streams and rivers. This particular watershed encompasses all tributary streams that flow into Blackleggs Creek, which then flows into the Kiskiminetas River which eventually joins with the Allegheny River. The association was one of the very first watersheds to do such a major cleanup on a creek in Pennsylvania. When the association first started monitoring the state of the creek, there was quite a bit of pollution and contamination from mines in the area. Cleanup efforts have drastically improved the quality of the water since...

### **LANCASTER NEWSPAPERS**

Air pollution alert issued for Lancaster County into Tuesday afternoon A strong air inversion has resulted in unhealthy levels of soot pollution in Lancaster County into Tuesday. The state Department of Environmental Protection issued an alert Monday afternoon for a Code Orange Air Quality Action Day for 20 counties, including Lancaster...

### **WILKES-BARRE CITIZENS VOICE**

Gov. Wolf to unveil his budget today with familiar call for tax on natural gas drillers When Gov. Tom Wolf delivers his budget address today, he is expected to call for more money for public schools, a higher minimum wage for Pennsylvania workers, and a new tax on natural gas drillers. In doing so, the Democratic governor who is now unfettered by reelection concerns — and has been openly showcasing his progressive roots — will have to persuade a more conservative, Republican-controlled legislature to buy in to his plan. Although administration officials have closely guarded details of Wolf's budget, a few things appear certain: Wolf will not ask for hikes in the income or sales tax, the state's two biggest revenue-generating levies. He will ask for additional funding for public schools, as he has every budget year since taking office in 2015. He will ask for money for career and technical training, which has been a recent talking point for Republicans. And he will try, for the fifth time, to persuade lawmakers to impose a severance tax on drillers — although with a twist...

Editorial: No Avoiding Stormwater Mandate, Wyoming Authority Needs A Better Handle On Financial Needs The Wyoming Valley Sanitary Authority's decision to pare back its controversial stormwater fee for owners of larger parcels, grant credits and discounts to all ratepayers, cancel fees for appeals and extend the deadline for first-quarter payments are all welcome news for outraged ratepayers who have jammed recent public meetings on the program. But those moves also make it appear the authority doesn't have a good handle on the financing behind the project, or at least hasn't done a good job of communicating the facts to the public. If those rates and other changes can be so easily implemented does it indicate the program as originally designed was overfunded? Being more specific about the funding of the joint program with 32 municipalities to meet federally mandated reductions in sediment and pollution runoff might go a long way toward persuading the public its hard-earned money is being well spent. The outline of the program prepared by an authority consultant and available on the authority's website at wvsa.org is highly detailed when it comes to identifying the projects and maintenance involved. But it was apparently not designed to account for, and barely addresses, some important financial questions...

### **YORK DAILY RECORD**

**PA ENVIRONMENT DIGEST BLOG (By PA DEP)**

DEP Orders Erie (Coal) Coke Corp. To Submit Control Plan To Resolve Online Air Quality Violations On February 4, the Department of Environmental Protection announced it has ordered Erie Coke Corporation to address ongoing violations of the Pennsylvania Air Pollution Control Act at Erie Coke's coke production facility in the City of Erie. "This action requires Erie Coke Corporation to re-evaluate its methods of operation and plan equipment to ensure that the facility is operated in full accordance with its permit and the applicable rules and regulations for the protection of our citizens. DEP is committed to enforcing the commonwealth's conditions of the permits we issue and protecting Pennsylvania's air," said DEP Secretary Patrick McDonnell. Since June 2017, DEP has documented numerous and ongoing violations at the facility located near the channel entrance to Presque Isle Bay. Violations cited in the Order include, among others: ...

Chesapeake Bay Foundation-PA Applauds Senate Passage Of Bill Designating The Hellbender As PA's State Amphibian On February 4, the Chesapeake Bay Foundation in Pennsylvania applauded the state Senate's overwhelming passage of Senate Bill 9 (Yaw-R-Lycoming), which would designate the Eastern Hellbender as Pennsylvania's official state amphibian and clean water ambassador. Sen. Gene Yaw, Majority Chair of the Senate Environmental Resources and Energy Committee, is the prime sponsor of the bill. Hellbenders are North America's largest salamander and survive where there is cold, clear, swift-running water. Growing to over two feet in length and weighing more than four pounds, they breathe oxygen from the water through their skin. A lack of streamside trees along Commonwealth waterways allows waters to warm, polluted runoff to enter rivers and streams, and silt to build up in streambeds. As a result, habitat for hellbenders has been degraded and hellbender numbers have been decimated in Pennsylvania streams where they were plentiful as recently as 1990. "Passing Senate Bill 9 is a good indicator that people are becoming more aware of how important clean water is, especially in our legislature," said Anna Pauletta, past president of CBF's Student Leadership Council (SLC) in Pennsylvania and current sophomore at Penn State University. "It's a very important step for promoting clean water in the state of Pennsylvania, in addition to supporting youth leadership and student involvement in our House and Senate."...

Villanova's Dr. Robert Traver Receives National Environmental & Water Resources Institute Lifetime Achievement Award Villanova University's Robert Traver, PhD, PE, D.WRE, F.EWRI, F.ASCE, the Edward A. Daylor Chair in Civil Engineering and director of the Villanova Center for Resilient Water Systems, continues to advance his already distinguished career with the 2019 Environmental & Water Resources Institute (EWRI) Lifetime Achievement Award. This award is presented to a member of the American Society of Civil Engineers for demonstrating a life-long level of commitment to environmental or water resources engineering through public service, research or education...

PennDOT Announces Multimodal Project Funding, Including Mike Lanes, Trails, Green Infrastructure

**ASSOCIATED PRESS (Pa.)**

Pittsburgh Water Authority Charged Criminally Over Lead Service Lines (Feb. 1) Pittsburgh's water and sewer authority was charged criminally Friday over allegations that it mishandled a lead pipe replacement program and put more than 150 households at elevated risk of lead poisoning. The Pennsylvania attorney general's office filed 161 misdemeanor counts against the Pittsburgh Water and Sewer Authority, each charging a violation of the state's safe drinking water law. The authority had previously admitted civil liability in the case and was fined \$2.4 million by state environmental regulators. Pittsburgh has for years struggled with high levels of lead in its drinking water, and the authority is under a state mandate to replace at least 7 percent of its lead service lines each year. In 2016 and 2017, prosecutors said, the authority replaced water lines without giving residents advance notice they were doing so, breaking state law. Because lead levels can temporarily spike in drinking water during pipe replacement, the law requires water systems to warn customers ahead of time and provide information on how they can minimize exposure to lead. The Pittsburgh authority also failed to test the residents' water for lead after replacing the lines, another violation of state law, according to the charges. "The Water and Sewer Authority knew it was required to notify residents of its plans to replace service lines, and it knew it was required to sample the lines for lead content, yet it failed to do so," Attorney General Josh Shapiro said at a news conference in Pittsburgh on Friday. "That makes PWSA criminally liable." Lead can cause lifelong brain damage and other injuries, especially in children. Executive Director Robert A. Weimar says the authority is "deeply disappointed" by Shapiro's decision to press criminal charges, saying the problems were addressed by the authority's

civil settlement with the state Department of Environmental Protection. He said the authority intends to defend itself. "Additional fines related to these previous missteps would only divert ratepayer dollars that would otherwise be used for critical water quality improvement projects and programs," he said in a statement. The water authority serves about 300,000 customers in Pittsburgh and the suburbs. The city leases its water and sewer system to the authority, whose board is appointed by the mayor and approved by City Council...

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## WASHINGTON, D.C.

### WASHINGTON POST

Climate change will alter the color of the oceans, new research finds By the end of the century, if not sooner, the world's oceans will be bluer and greener thanks to a warming climate, scientists reported Monday. And while the shift in color will be all but imperceptible to the human eye, it could hint at the profound changes in store for a wide array of marine life. At the heart of the phenomenon lie tiny marine microorganisms called phytoplankton, which are crucial to ocean food webs and to the global cycling of carbon — and sensitive to the temperature of ocean waters. Because of the way light reflects off the organisms, blooms of these phytoplankton create colorful patterns at the ocean's surface. Climate change will fuel the blooming of some phytoplankton in some areas, while reducing it in other spots, leading to subtle changes in the ocean's appearance...

The Energy 202 Blog: Senators from both parties press EPA to limit two toxic chemicals One-fifth of the Senate is pressing the Environmental Protection Agency to do more to prevent two toxic chemicals from getting into Americans' drinking water — after a report last week indicating the agency is not going to restrict them under the Safe Drinking Water Act. In a letter led by Jeanne Shaheen (D-N.H.) and Shelley Moore Capito (R-W.Va.), 20 senators from both sides of the aisle urged the agency to develop standards for a pair of chemicals — perfluorooctanoic acid and perfluorooctanesulfonic acid, more commonly known as PFOA and PFOS — found in millions of Americans' drinking water. They are demanding the federal government remove these toxic chemicals from drinking water and regularly test for them. "EPA's inaction would be a major setback to states and affected communities," the senators wrote to acting agency administrator Andrew Wheeler. "Therefore, we urge you to develop enforceable federal drinking water standards for PFOA and PFOS." The letter is the latest escalation of tensions between members of Congress and the EPA over the regulation of a class of chemicals that has proven to be a headache for Trump administration officials at the agency. The EPA came under criticism last year for delaying the release of a health study on the chemicals after a White House official warned in an internal email that its release could turn out to be a "public relations nightmare." The EPA earned more bad press after kicking reporters out of a forum on the issue in May. The letter Friday puts Wheeler in a potentially tough spot. His nomination to officially become the EPA's head official — and drop the "acting" title — is up for a vote this week in the Senate Environment and Public Works Committee. Capito sits on the panel, where Republicans hold a slim one-vote majority...

Trump to nominate David Bernhardt, a former lobbyist, as the next Interior secretary President Trump tweeted Monday that he will nominate David Bernhardt, a veteran lobbyist who has helped orchestrate the push to expand oil and gas drilling at the Interior Department, to serve as its next secretary. If confirmed, Bernhardt, a 49-year-old Colorado native known for his unrelenting work habits, would be well positioned to roll back even more of the Obama-era conservation policies he has worked to unravel since rejoining Interior a year and a half ago. He has helmed the department as acting secretary since Jan. 2, when Ryan Zinke resigned amid multiple ethics probes. "David has done a fantastic job from the day he arrived, and we look forward to having his nomination officially confirmed!," Trump tweeted...

The Energy 202: Democrats spotlight climate change with their State of the Union guests The State of the Union is President Trump's opportunity to set the agenda in Washington as best he can for the next year. But a handful of congressional Democrats are seeking to highlight an issue he will almost surely fail to mention: climate change. They will do so by bringing academics and activists who focus on climate change to be their guests for the State of the Union speech Tuesday night. The climate-themed invitees run the gamut, from longtime climate activist Bill McKibben, who was invited by Rep. Jamie Raskin (Md.), to relative newcomers such as Varshini Prakash, co-founder of the Sunrise

Movement, who got a seat from Sen. Edward J. Markey (Mass.). Prakash's group got Washington talking about a "Green New Deal" proposal to address greenhouse gas emissions by protesting late last year in then-Minority Leader Nancy Pelosi's (Calif.) office...

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## DELAWARE

### WILMINGTON NEWS JOURNAL

After a fire at Delaware City Refinery, residents wary of their industrial neighbor Questions remain the day after a fire at the Delaware City refinery shut down roads and caused concern about health and environmental impacts from the potentially poisonous gas at the site. Black smoke has cleared from the oil refinery on the outskirts of Delaware City, a community some residents say is plagued by its proximity to industry. "I would rather not have the refinery here, but we do have it," said local business owner and Delaware City Councilwoman Megan Titus. "We've always had it. What are you going to do? Have everyone move?" When a fire broke out in the crude unit at the oil refinery, owned by New Jersey-based PBF Energy, on Del. 9 about noon on Sunday, it revived a realization that ongoing pollution can easily be forgotten — until there's an incident. Titus said there have been fires at the refinery before, but without visible flames or smoke, people don't often notice them. For her, and other long-time residents, they knew that when they chose to live in Delaware City, they also chose to live near the refinery. Environmental activist Amy Roe, who heads the Delaware City Environmental Coalition, said Delaware City residents were lucky this time. The wind was not blowing in their direction that day, so their exposure and impacts were limited. "Everyone associates the refinery with the town, but they are not the same place," she said. "This time, Delaware City was not the impacted community. There are neighborhoods that were impacted." State environmental regulators, emergency responders and company officials are adamant that no one was hurt, despite heavy black smoke that drifted as far as Newark and Wilmington. "While citizens in surrounding areas reported odors from the fire reaching their communities, [the Department of Natural Resources and Environmental Control] reassures the public today that odors do not necessarily equate to unhealthy levels of air pollution emissions or harmful inhalation," agency spokesman Michael Globetti said in an email. PBF spokeswoman Lisa Lindsey said on Monday that the fire was extinguished at 1 a.m. on Monday. No one has said what ignited the blaze. "A thorough investigation will be conducted into the cause of the incident," she said in an email. She said company and state officials monitored air quality during the incident "with zero readings throughout." Globetti also said an investigation is underway. He said the refinery has been told to treat runoff water from fighting the fire before discharging it into nearby waterways...

Emergency crews responding to fire at Delaware City Refinery UPDATE: 3 A.M. MONDAY - Delaware City residents have reported hearing loud horns and rumbling from the refinery. One resident called DNREC and was told the fire is ongoing and flaring is happening, according to Facebook. During flaring, there may be loud rumbling sounds, according to multiple refineries' websites. Flaring is used to safely burn excess hydrocarbon gases that cannot be recovered or recycled, according to ExxonMobile. Excess gases are combined with steam and/or air, and burnt off in the flare system to produce water vapour and carbon dioxide. On Facebook, one resident said the last time they heard rumbling from the refinery was during a power outage. An outage in 2016 was accompanied by flaring and a chemical release, according to a story by The News Journal.

Delaware City Refinery gives statement on refinery blaze (Video) Delaware City Refinery gives statement on refinery blaze that occurred Sunday afternoon.

Delaware City Refinery fire (photos)

### DELAWARE CAPE GAZETTE

Editorial: Open space, agland funding deserve support Gov. John Carney addressed Delaware's General Assembly recently regarding his budget proposal for the next fiscal year. He put his money where his mouth was in many areas,

but most notably, for this editorial, in protecting the state's quality of life. Carney proposed spending \$20 million for open space and farmland preservation. In doing so, he is harnessing the strength of a solid economy to take steps that will pay benefits for many generations of Delawareans to come. After several years' hiatus in significant funding due to a shrinking economy, this year's recommendation thankfully comes on the heels of a similar \$20 million commitment that made it into the FY2018-19 budget. A major part of Delaware's unique quality of life is the hundreds of thousands of acres of farm fields, forests, marshes, meadows and beaches that have been preserved; they not only support food production and recreation and related economies, but also the wildlife that helps define the Delaware experience. Birds and beasts are an important component of our state's history and culture. They deserve protection so we can continue to enjoy their company on our earthly home. Delaware has long committed itself to conservation and preservation, and it shows. With development continuing and no end in sight, further preservation is what can help us hold things somewhat in balance. Open space infrastructure is real, and it doesn't require anywhere near the expenditure of other public funding for infrastructure. Austin Short of Delaware's Department of Agriculture says interest is high this year among farmers for preservation programs. "We are appraising over 250 farms for Aglands Preservation this year - the most we have appraised in over 15 years ... The Aglands Preservation Program has preserved nearly 900 farms totaling almost 125,000 acres (about 24 percent of Delaware's total farmland) since first receiving funding in FY96." Gov. Carney's proposal for open space and agland funding deserves full legislative support now that the economy is giving us an opportunity to leverage purchases. They will pay strong dividends long into the future.

Revised sediment and stormwater regs go into effect Feb. 11 Revised Delaware sediment and stormwater regulations from the Department of Natural Resources and Environmental Control will become effective Monday, Feb. 11, DNREC Secretary Shawn M. Garvin announced. The regulations were developed with diverse public participation through a Regulatory Advisory Committee Garvin said, with RAC members forging a consensus on a range of regulatory issues. The revised sediment and stormwater regulations correct a previous procedural flaw in the prior adoption of regulations by DNREC, as initially determined by the Delaware Superior Court, and later upheld by the State Supreme Court. Revisions to the regulations that go into effect included incorporating parts of the former DNREC Technical Document guidance into the actual regulations, consistent with the judicial opinions. The revisions also address legislative changes with regard to runoff from the most frequent rainfall event; stormwater volume control; stormwater management for redevelopment; and plan approvals for construction of residential, utility and poultry house projects. In addition to addressing legislative actions, the revised regulations include simplified criteria for the approval of smaller, less impactful projects. The revised regulations include standards and specifications for each of 17 post-construction stormwater management best management practices, and expand the section in the regulations on stormwater offsets to include details regarding fees-in-lieu, banking and stormwater management offset districts. The revised stormwater and sediment regulations can be found at [www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx](http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx).

Sussex board denies request to rehear poultry plant case By a 4-0 vote Jan. 28, Sussex County Board of Adjustment denied a request by citizens to reopen a hearing for Allen Harim Foods related to the Millsboro company's permit to haul wastewater to its Harbeson plant. Keep Our Wells Clean had asked for the rehearing because of flaws in a board document prepared before Allen Harim received a permit from the Department of Natural Resources and Environmental Control to haul wastewater. Keep Our Wells Clean is also concerned with the long-term health of residents living near the deboning plant, and the group questions who is monitoring the plant. In denying the group's request, board member Dale Calloway said the permitting process is under DNREC's purview, not the county's. "The board will defer to DNREC on wastewater permitting issues," he said. Calloway also said the board heard both sides of the issue in September when it unanimously voted to allow Allen Harim to continue with its deboning operation while obtaining permits for a spray-irrigation disposal system and also to haul wastewater to an off-site treatment facility. The board did not put a deadline on the amount of time the company can haul wastewater before the spray-irrigation system is approved. Board attorney Jamie Sharp said there is no way to determine how long the permitting process would take. Before making a motion to deny the request for a rehearing, Calloway said issues raised by Keep Our Wells Clean were already addressed by the board. "Arguments are largely a rehash of arguments raised or should have been raised at the previous hearing. I am not convinced that [they] satisfied the condition for a rehearing," Calloway said. Keith Steck, member of Keep Our Wells Clean, said he was disappointed with the board's decision because their findings of fact are flawed. "There are inaccuracies in the document and they should be corrected," he said...

Lewes BPW, county revise wastewater agreement Sussex County can now send up to 400,000 gallons of wastewater per

day to the Lewes Board of Public Works' treatment facility. The Lewes BPW board approved the revised agreement Jan. 23, while Sussex County Council approved it at its Jan. 8 meeting. BPW General Manager Darrin Gordon said the revised agreement allows the county to immediately start sending more wastewater to Lewes. The previous agreement allowed the county to increase its flow over time, eventually topping off at 400,000 gallons. The agreement also allows the county to send up to 100,000 gallons per day to Lewes during the summer, an increase from the previous 75,000 gallons. Gordon said the Lewes plant has more than enough capacity to handle the county's effluent and any future development within the area the BPW is permitted to serve. The maximum capacity at the Howard Seymour Water Reclamation Plant on American Legion Road is 1.5 million gallons per day. Prior to the agreement with Sussex County, usage averaged 850,000 gallons per day in the summer and about 600,000 gallons per day in the off-season months...

Letter: To our federal delegation - stand firm On Friday, Cape Gazette's editorial board called on our state's federal delegation to drop everything and pressure "their leadership to end the shutdown." The editorial said, "President Trump sees an emergency. He should act. Congress should let him. The people will hold him accountable for the consequences, good or bad. The dithering must stop. Nothing is more important than keeping the ship off the rocks."...

### **DELAWARE PUBLIC MEDIA (NPR)**

Delaware joins lawsuit against EPA for out-of-state emissions (Sunday) Attorney General Kathy Jennings is adding Delaware to a list of five other states and the city of New York suing the EPA for not enforcing rules protecting states from pollution generated in neighboring states. The suit challenges the Trump administration's decision last year to roll back regulations in the Obama-era Cross-State Air Pollution Rule. Delaware's Department of Natural Resources and Environmental Control previously filed four petitions on the matter, requesting the EPA require power plants in West Virginia and Pennsylvania to limit their emissions. DNREC claims those plants are polluting the air in the First State. Delaware's Department of Justice points to an American Lung Association statistic stating more than 127,000 Delawareans have lung diseases. The DOJ claims those individuals are put at risk by smog blown in from neighboring states. In a statement, Jennings said, "The EPA isn't doing its job, and Delaware is paying the price." She went on to say, "If the President won't hold himself accountable to the law, we'll do it for him." New Jersey, Connecticut, Massachusetts, Maryland and New York are the other states filing suit.

Residents respond to Delaware City Refinery fire After Sunday's fire at the Delaware City Refinery, some residents are complaining of poor communication and unanswered questions. The fire at the Delaware City Refinery crude unit Sunday burned for over 12 hours, according to officials. Roads were blocked off and residents in other cities reported smelling smoke. "As I was sitting there watching what was going on, I knew where things were so I could pack up my car and leave if I had to quickly," said Kristina Lynn, who lives off Rt. 9 in Delaware City. Lynn felt there was not enough communication from government officials during the fire. "I don't have a landline. So they had a robocall, and I didn't get it. And I think that's most of the community these days," she said. She saw a tweet from the state Department of Natural Resources and Environmental Control (DNREC) several hours after the fire started. Unknown amounts of sulfur dioxide and hydrogen sulfide were released from the Refinery starting around noon, according to a notification from the Delaware City Refinery through the Delaware Environmental Release Notification System (DERNS). The release duration is described as "continuous." DNREC officials say release of more than 100 lbs. of sulfur dioxide must be reported to DERNS. Hydrogen sulfide is flammable and "extremely hazardous," according to OSHA, causing coma or death at high concentrations. Sulfur dioxide can harm the respiratory system, especially for sensitive groups, and can contribute to fine particulate matter pollution, according to the EPA. A DNREC official confirmed that intermittent flaring occurred throughout the fire at the Refinery Sunday. The Refinery is permitted by DNREC to operate its flare system to dispose of combustible gases that are released during refinery upsets, startups, and shutdowns. According to DNREC officials, flaring converts toxic hydrogen sulfide into less dangerous sulfur dioxide. DNREC notes the exact amounts of hydrogen sulfide and sulfur dioxide released Sunday are not yet known. But the agency says they did not detect either of these pollutants in the air Sunday. A DNREC statement issued Monday says "all community and onsite air monitoring by both DNREC and the Delaware National Guard's 31st Civil Support Team was 'non-detect' for the pollutants hydrogen sulfide and sulfur dioxide from the time the fire started just after noon Sunday into the evening." DNREC also says volatile organic compounds (VOCs) were not detected at hazardous levels. "I have asked the director of the Division of Air Quality how did you determine that? Were air monitors used? Where were they located? What were the readings? And so far I haven't had any of those questions addressed," said environmental advocate Amy Roe...



## MIDDLETOWN TRANSCRIPT

DNREC announces revised sediment and stormwater regulations in effect Feb. 11 The regulations were developed with diverse public participation through a Regulatory Advisory Committee, with RAC members forging a consensus on a range of regulatory issues. The revised sediment and stormwater regulations announced correct a previous procedural flaw in the prior adoption of regulations by DNREC, as initially determined by the Delaware Superior Court, and later upheld by the State Supreme Court. Revisions to the regulations that go into effect this month included incorporating parts of the former DNREC Technical Document guidance into the actual regulations, consistent with the judicial opinions. The revisions also address legislative changes with regard to the runoff from the most frequent rainfall event; stormwater volume control; stormwater management for redevelopment; and plan approvals for construction of residential, utility and poultry house projects. In addition to addressing legislative actions, the revised regulations include simplified criteria for the approval of smaller, less impactful projects. The revised regulations include standards and specifications for each of 17 post-construction stormwater management best management practices and expand the section in the regulations on stormwater offsets to include details regarding fees-in-lieu, banking and stormwater management offset districts...

Audubon finds unified voice for clean water in Brewers for the Delaware River The National Audubon Society and Audubon Pennsylvania launched, on Jan. 31, the Brewers for the Delaware River Association, a coalition of craft brewers in the Delaware River Watershed united to promote the protection of the watershed as a reliable, clean water source that benefits the people, birds and communities of the region. "Birds, people and brewers all rely on clean water to survive," said Julie Hill-Gabriel, vice president of water conservation at the National Audubon Society. "Teaming up with local brewers throughout the Delaware River Watershed will not only bolster Audubon's efforts to preserve the home of more than 400 bird species — like red-headed woodpeckers, sanderlings and red knots; but it also inspires economic growth for local businesses and industries that depend on the health of the watershed and its water." Making up at least 90 percent of beer, water is an essential ingredient that gives each brew a uniqueness that depends on the quality of the water in each local community. The newly formed coalition joined forces under a shared concern of preserving a steady supply of clean water from Delaware River Watershed, which provides drinking water for more than 15 million Americans across four Atlantic states: Delaware, New Jersey, New York and Pennsylvania. In addition to providing reliable, clean water for birds, people and the brewing industry in the region, the watershed encompasses more than 13,500 square miles of land across Delaware, New Jersey, New York and Pennsylvania, including various forests, 400 miles of designated National Wild and Scenic Rivers and 700,000 acres of wetland habitat. Economically, it is a driver of more than \$25 billion in annual activity, \$21 billion in ecosystem goods and services each year and contributes 600,000 jobs and \$10 billion in annual wages to the economy. In January, the National Audubon Society delivered a joint letter signed by 12 breweries from the Delaware River Watershed to the 116th U.S. Congress, urging members to support the watershed and the small businesses that rely on it for economic success. The signees called for congressional members' support by providing robust funding for the Delaware River Basin Restoration Program in years to come...

## WHYY - DELAWARE

Delaware, New Jersey join lawsuit against EPA's cross-state pollution rule (Feb. 1) Six states are challenging the EPA's ruling on smog pollution controls, which takes a hands-off approach to cross-state pollution. The coalition includes Delaware, New Jersey, Connecticut, Massachusetts, Maryland, New York and New York City. The EPA softened an Obama administration decision that restricted pollution affecting downwind states including Delaware and New Jersey. Under President Obama, the EPA determined that downwind states needed protection from emissions blowing across their borders. In December, the EPA under President Donald Trump finalized a rule that reversed that assessment. "Our families and children in Delaware routinely are breathing polluted air that comes from outside the state," said Delaware Attorney General Kathy Jennings. "The EPA has had a longstanding obligation to protect those states that are particularly harmed by other states' pollution." Jennings accused the Trump administration of rolling back protections for Delaware, making it harder for the state to enforce its clean-air rules. "People have a right to breathe clean air, but if the EPA isn't enforcing strong regulations that would prohibit other states from their own polluters getting bad air into our state, then we have to do something about it." The lawsuit asks the District of Columbia Circuit Court of Appeals to vacate the EPA's ruling, forcing the Trump administration to consider tougher rules on cross-state pollution. Even though Delaware has taken major strides in reducing pollution, the state's air quality ranks among the worst in the nation. State leaders blame 90 percent of that bad air on sources beyond the state's borders. From 2000-2017, the state's coal-fired

electricity plants have been reduced by about 90 percent. Despite that, New Castle County — Delaware's most populous county — has gotten an F for clean air for 19 years in a row. "We're at a real disadvantage because of our size, and so we rely on the federal government to protect us, and that's not happening," Jennings said... Delaware has been fighting out-of-state pollution for years. In 2013, then-Gov. Jack Markell joined a group of northeastern states in filing a petition with the EPA to require nine upwind states — Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia — to reduce air pollution emissions that are carried downwind. Six years later, the fight continues.

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## WEST VIRGINIA

### WEST VIRGINIA PUBLIC BROADCASTING

As Top Dem on Senate Energy Committee, Manchin Prepares to Tout Region's Resources The Senate Energy and Natural Resources Committee will begin holding full hearings this week with a new top Democrat: West Virginia Sen. Joe Manchin. Manchin's ascension to lead the Senate committee devoted to energy issues drew concern from environmental groups and more left-leaning members of his own party who fear the centrist Democrat may not be a strong climate advocate. At a recent meeting of West Virginia oil and gas producers, the senator from coal country said he hoped to address climate change in this role, but would also use his newfound post to better promote the Ohio Valley's energy resources. Manchin, who said he will have a staff of about 17, will work closely with Sen. Lisa Murkowski (R-AK), who chairs the committee. "The beauty about it is this: Lisa comes from Alaska, I come from West Virginia. Two heavy-lifting states, two heavy-producing states for the energy this country needs," he told attendees of the West Virginia Independent Oil and Gas Association winter meeting last month in Charleston. "With that being said, we can set an agenda that basically shows them what we're doing." Manchin said he hopes to highlight the energy contributions made by West Virginia and other states in the region from both the coal and growing natural gas industries. "We haven't been able to tell our story," he said. "We're just not telling it because there's a strong wind blowing that doesn't want that to get out. They want to believe there's something utopian in a perfect world. Well, I'm hoping we get there in our lifetime. I don't think so. Maybe our children or grandchildren, whatever. But until that happens I want to make sure they understand the ships from Russia are bringing natural gas in to the northeast. I want them to see that picture." ...

Coal Comeback? Coal At New Low After Two Years Under Trump It's been two years since President Donald Trump took office and began rolling back environmental regulations on the coal industry. At a November rally in Huntington, West Virginia, the president took credit for a coal comeback in front of a cheering crowd. "We've ended the war on beautiful, clean coal and we're putting our coal miners back to work," he said. "That you know better than anybody." But federal data about the industry tell a different story. Mine operators and independent contractors are required to report regular employment information to the Department of Labor's Mine Safety and Health Administration, or MSHA. Preliminary figures for 2018 show 80,778 people were employed by mine operators and contractors. That's a record low, and about a thousand fewer than were employed by coal in the last year of the Obama administration. Nationwide, coal plant retirements neared a record high, and overall coal production dropped to the lowest level in nearly 40 years, according to the U.S. Energy Information Administration, a non-partisan government agency that tracks energy trends. In the Ohio Valley, things looked much the same. In 2018 two prominent Ohio Valley utilities announced a spate of coal power plant closures, federal data show the region lost 150 industry jobs, and Westmoreland Coal, which has a substantial presence in Ohio, declared bankruptcy. However strong exports of one type of coal continued to support jobs for those who provide metallurgical coal, which is used to make steel. That boosted employment in West Virginia, where the president's supporters say he is keeping his promise to revive the industry. Elsewhere, others aren't convinced and are looking for ways to fill the void left by coal's decline. The Trump administration has leaned heavily on the U.S. Environmental Protection Agency to try to boost the region's coal industry. In March, 2017, Trump signed an executive order that kicked off an in-depth review of a series of environmental regulations. Since then, the administration has proposed a series of regulatory rollbacks aimed at helping struggling coal plants and operators...

W.Va. Senate Committee Strips Water Standards From Rule, Offers Compromise Timeline (Feb. 1) The West Virginia

Senate Judiciary Committee voted today to remove a set of 60 proposed updates from Senate Bill 167, a rules bill that outlines a state regulation limiting pollution discharges into the state's streams and rivers. In a hearing that lasted about 15 minutes Friday afternoon, members of the Judiciary Committee voted unanimously to approve a proposed committee substitute to Senate Bill 167. The meeting took place during a brief recess from a floor session where members were debating amendments to a controversial education reform bill. The Judiciary Committee's substitute removed 60 updated human health criteria that the West Virginia Department of Environmental Protection (DEP) had proposed in July be added to the state's Water Quality Standards. It also added language that creates a timeline for new proposed updates to be brought before the Legislature. Speaking during the committee hearing, Senate Judiciary Chairman Charles Trump (R-Morgan) characterized the committee substitute as a compromise. "Is it a fair characterization of that to say that that got made and made absolutely everyone mad and dissatisfied at some level with this slight change, but does provide a delay," he said. "And it provides a longer delay than environmental community would like to see. They'd like to see it move forward with no delay. And it provides less of a delay than the regulated community would like to see."...

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## MARYLAND

### BALTIMORE SUN

Direct mailing urges residents to oppose Baltimore's clean air act. Here's what the bill would do Wheelabrator Baltimore, the company that disposes of the bulk of the region's trash, recently sent out direct mail asking residents to call on the City Council to reject a proposed Clean Air Ordinance. Here's what the bill would do — and what the flyer left out. What the bill would do? It would...

### CHESAPEAKE BAY JOURNAL

Small parcel could mean a lot for green space in urban DC Protecting the District of Columbia's tree canopy — and its City of Trees reputation — is "always a moving target," said Mark Buscaino, executive director of the nonprofit that leads the local effort. So, in addition to feverishly planting and defending urban trees, Casey Trees is taking a new tack: conserving a handful of small lots where more of them could take root in the future. This fall, the nonprofit partnered with the District government to place four small, undeveloped properties the city owns into conservation easements. The voluntary agreements permanently limit how the properties can be used, in this case protecting them as green, "plant-able" spaces. While the amount of land included in the agreements is relatively small — measured in square feet rather than acres — the concept is notable. "It's unique to have a municipal government putting its own lands under private easement," said Charles Flickinger, a Casey Trees board member and attorney who documented the easements. "In this case, the city doesn't get a charitable deduction. It's just additional protection for the land." Alan Rowsome, executive director of the Northern Virginia Conservation Trust, is used to helping conservation easements come to fruition in rural, suburban and, occasionally, urban landscapes. In cities, he said, "measuring in square feet might not seem like it's worth doing, but it can make a huge difference." Seeing Casey Trees jump into easement work in the District — where larger land trusts don't often work and the nonprofit is already a steward of natural landscapes — seemed to Rowsome like a logical and innovative solution. Owned by the District's Department of Housing and Community Development, the four properties were among 90 that the agency was in the process of auctioning off or re-imagining as part of its "Vacant to Vibrant" initiative. Polly Donaldson, the department's director, said the program's main goal is to take underused or derelict spaces the city had acquired over the years and "return them to productive use."...

Hunting season, bag limits for migratory Canada geese, mallards to be reduced next year It's been a tough season for waterfowl hunters around the Chesapeake Bay, and it's going to get even tougher next season. Concerned by a sharp drop seen last year in the Atlantic population of Canada geese, the U.S. Fish and Wildlife Service has ordered a shortening of the 2019–2020 hunting season for the migratory birds and a cutback in the number that hunters may take daily. Federal wildlife regulators also have tightened next season's limits on hunting for mallards, one of the most abundant ducks in the world, as they seek the cause of a long-term decline in their numbers across eastern North

America. That's unhappy news for waterfowl hunters in the Bay watershed, who have already seen a falloff in this migratory goose season, which ends Saturday in Maryland and ended Jan. 27 in Virginia. Mild weather through the fall and most of this winter brought fewer Canadas to the region from north of the U.S. border. There have also been few if any juvenile birds— which are less wary of hunters' decoys than their elders — in the visiting gaggles..

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## VIRGINIA

### NEWPORT NEWS DAILY PRESS

Newport News, Portsmouth lead area for lead levels in kids (Jan. 21) To their mother's dismay, U'Niqua Randall's three young boys love to dig their fingers into dirt and taste everything they get their curious hands on. "Like, I bleach all their toys," Randall said as the boys, all under age 5, burst into the living room of their Portsmouth apartment on a warm September afternoon. "This is me all day long." She has reason to worry. Her eldest, Daniel, tested positive for lead exposure about three years ago during a routine exam at the pediatrician's office. She doesn't know how he came in contact with it, but in a place with so many homes built before a federal law banned lead-based paint in 1978, young children like hers are at particularly high risk for the element, which can cause learning disabilities, behavioral problems and even death. A Pilot analysis of lead exposure data shows that in Hampton Roads, Newport News had the highest rate for elevated lead levels in children in 2017, according to the most recent figures provided by the Virginia Department of Health. Portsmouth was second, followed by the Western Tidewater health district, which includes Isle of Wight County, Southampton County, and the cities of Franklin and Suffolk. The 2017 statistics show a rate of about 166 cases per 100,000 children under 16 in Newport News, compared with 69 in Portsmouth, 58 in Western Tidewater and 40 in Norfolk. The rest of Hampton Roads had significantly lower rates. b"Lead poisoning is a condition that impacts the central nervous system," said Dr. Don Stern, who is serving as interim director for the state health department's peninsula health district. "Particularly for children with high levels of lead for long periods of time, it affects the function of the brain. It'll affect memory, school performance and can then manifest into more severe neuromuscular conditions."...

### GREENSBORO NEWS AND RECORD (N.C.)

Five years after coal ash spill, river impact minimal, Va. health officials say **DANVILLE, Va.** — State officials said any potential long-term effects on the Dan River have been minimal in the five years since a breached pipe at a Duke Energy plant spilled up to 39,000 tons of coal ash into the river. about 25 million gallons of ash-storage pond water also entered the Dan, which snakes back and forth eight times across the state line between Virginia and North Carolina. Coal ash, generated from burning coal, is usually stored at power plants or placed in landfills. Dwight Flammia, public health toxicologist for the Virginia Department of Health, said fish consumption advisories for the Dan remain the same as they were before the spill. The health department has reviewed results from fish-tissue analysis by the Virginia Department of Environmental Quality annually, he said. The health department advises against eating flathead catfish 32 inches or longer from the Dan River, due to high levels of mercury and polychlorinated biphenyls, which are toxic compounds formed as waste in industrial processes. Sediment and water column monitoring by the VDEQ has been discontinued, but routine monitoring will be conducted at stations that are part of the department's 2018-19 plan, said Ann Regn, VDEQ spokeswoman. "Fish tissue collection continues and those data are forwarded to VDH for their review regarding fish consumption advisory decisions that are the purview of VDH," Regn said. In the year after the spill, state and federal agencies and Duke Energy conducted emergency response monitoring to look for effects to aquatic life in the Dan River. Water results taken by the DEQ at four river and two reservoir locations in Virginia's portion of the river showed no violations of water quality standards, according to the 2018 Chesapeake Bay and Virginia Waters Clean-Up Plan. Drinking-water testing by the VDH in Danville, South Boston and Clarksville showed that all finished water met state and federal standards, according to a section of the plan focusing on the coal ash spill and state response...

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# MISCELLANEOUS

## GOVERNMENT EXECUTIVE

More Than a Dozen Shutdown-Impacted Workers Will Accompany Lawmakers to State of the Union A number of lawmakers are using President Trump's upcoming State of the Union address to remind the nation why the speech is taking place this week and not on its originally scheduled date. At least a dozen members of Congress will bring a federal employee or contractor impacted by the government shutdown as their guest to the annual presidential address before the joint Congress. Trump was originally set to make the speech in January, but House Speaker Nancy Pelosi, D-Calif., refused to invite him while the government was still shut down...

## BLOOMBERG ENVIRONMENT

Lead Exposure, Drinking Water Compliance Added to EPA Priorities Encouraging more utilities to meet drinking water standards and reducing childhood exposure to lead are two new enforcement priorities the EPA will tackle in its National Compliance Initiatives for the coming years. The Environmental Protection Agency announced Feb. 4 that it's seeking comment on the two initiatives focused on drinking water and lead and others aimed at reducing hazardous air pollution in fiscal years 2020 through 2023. The proposed initiatives seek to target the agency's enforcement resources on the most serious environmental violations, the agency said. Each year thousands of community water systems violate one or more drinking water standards, exposing millions of people to potential health risks, the EPA said in its notice seeking comment on the initiatives. It wants to work with utilities and provide incentives to help them comply with standards rather than penalize them. Reducing childhood lead exposure is not only an EPA priority, but is part of a governmentwide initiative, prompting the Trump administration to release an interagency action plan. The agency also seeks comment on whether to continue prior initiatives to reduce toxic air pollution leaking from refineries and chemical manufacturing plants and from facilities where hazardous waste has been improperly disposed...

EPA Fluorinated Chemicals Plan Coming Next Week, Wheeler Says The EPA's plan for handling a ubiquitous family of substances contaminating water supplies is nearing completion and could be out next week, the agency's acting administrator said Feb. 4. The Environmental Protection Agency is working on a strategy to address per- and polyfluoroalkyl substances, which are widespread and may cause adverse health effects, including developmental effects to fetuses and testicular and kidney cancer. No consensus exists on what amounts of the compounds are safe to consume, but the agency is considering whether to set limits for two of the compounds in drinking water. "Hopefully, the whole plan will be finished by next week," acting EPA Administrator Andrew Wheeler told Bloomberg Feb. 4. "That's our goal." The plan had been delayed by the partial government shutdown, which ended Jan. 25. The contaminants, also known as PFAS, have been used to manufacture nonstick and stain-resistant coatings in clothing, fast-food wrappers, carpets, and other consumer and industrial products.

'Green New Deal' to Be Unveiled Next Week, Ocasio-Cortez Says A resolution outlining the proposed scope of a so-called Green New Deal will be released next week, Rep. Alexandria Ocasio-Cortez (D-N.Y.) said...

Limits on Rocket Fuel Chemical in Drinking Water Delayed a Month Blame the government shutdown: The EPA won't make the court-mandated deadline yet again to issue a long-awaited drinking water standard for perchlorate, a key rocket fuel chemical. Instead, the Environmental Protection Agency is now aiming to sign a proposed drinking water standard for perchlorate on May 28, a month later than the court-mandated deadline spelled out in a 2016 agreement reached with the Natural Resources Defense Council. The agency informed the U.S. District Court for the Southern District of New York Feb. 3 that it needed this extension to make up for the time lost during the government shutdown. The agreement with the NRDC originally required the EPA to issue the proposal Oct. 31, 2018, but a year ago the agency persuaded the court to give it until April 30 to complete its study of the chemical's effects. The chemical is a component of rocket fuel and fireworks that also was used to control static electricity in food packaging. It can cause thyroid problems when consumed and it's been found in drinking water supplies across the country. A 2005 EPA survey of drinking water systems found perchlorate in the water of around 160 different utilities that serve 11 million people in 26 different states and two territories...

Environmental Groups Get Nod to Enter EPA Clean Water Suit The Trump Administration's policy reversal on enforcement of the EPA's Clean Water Rule is sufficient cause for environmental groups to enter litigation because without their intervention the rule "would be without defense," a federal court ruled...

Chesapeake Wins Appeal Over Ohio Property 'Taking' by Drillers Chesapeake Exploration LLC didn't unconstitutionally "take" the property of Ohio landowners by drilling for oil and gas beneath their parcels, a federal appeals court ruled Feb. 4. Chesapeake's fracking beneath a 120-acre area below eight tracts owned by Corey Kerns and seven of his neighbors caused no damage to their properties and was conducted according to Ohio law, the U.S. Court of Appeals for the Sixth Circuit said in an unpublished decision. The decision upheld a district court ruling rejecting claims by Kerns that Chesapeake and state officials violated their civil rights in their application of Ohio's "pooling" process for allocating fracking operations in the state...

EPA Chief Says Agency, California 'Far Apart' on Car Emissions The Trump administration and California clean-air officials remain "pretty far apart" in their bid to strike an agreement on automobile fuel economy and greenhouse gas emissions rules as federal regulators race to finalize a key proposal for the auto industry, the U.S. EPA chief said Feb. 4.

## **GREENWIRE / E&E NEWS**

Industry groups ditch bid to revive WOTUS delay rule Opponents of the Obama-era Clean Water Rule are pulling back from an appeal aimed at sidelining the regulation, also known as WOTUS. The American Farm Bureau Federation and a coalition of industry groups on Friday moved to dismiss a case they had pending in the 4th U.S. Circuit Court of Appeals. Their legal challenge was an effort to revive a Trump administration rule that stalled implementation of WOTUS for two years. A district court in South Carolina tossed the delay rule last year, and the industry groups quickly appealed the ruling to the Richmond, Va.-based 4th Circuit. Now they're withdrawing the challenge, leaving the issue to the federal government, which filed its own appeal of the South Carolina decision. "The government has filed an appeal, so that will continue and we strongly believe it should succeed," Mayer Brown attorney Timothy Bishop, who is representing the groups, said in an email. "Withdrawing our own appeal is just a matter of where most effectively to expend resources." The groups are involved in separate court battles aimed at invalidating the Obama regulation, which defined the types of wetlands and waterways subject to federal jurisdiction under the Clean Water Act...

Senators demand EPA set limits for PFAS A bipartisan group of 20 senators today urged acting EPA Administrator Andrew Wheeler to set federal standards for two types of chemicals found in drinking water. "Without enforceable drinking water standards for PFOA and PFOS, it is doubtful that a national management strategy will sufficiently confront the challenges PFAS chemicals pose to states and communities," the lawmakers wrote. "Federal safe drinking water standards are critical to addressing public concerns and allow for states to focus their efforts and limited resources on implementation and compliance assurance," they continued. The letter comes after reports earlier this week said that EPA did not plan to set a legal limit on two types of PFAS — perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) — in drinking water. "If this is accurate, EPA's inaction would be a major setback to states and affected communities," the senators wrote. Sen. Shelley Moore Capito (R-W.Va.), who led the letter with Sen. Jeanne Shaheen (D-N.H.), said yesterday that Wheeler visited her to ease her concerns over the reports. After the meeting, she said Wheeler's plan "matches more closely what I would like for them to do"...

EPA: Wheeler: 'It wasn't easy hanging in there' (Feb. 1) Newly released emails shed light on Andrew Wheeler's confirmation process as deputy EPA administrator, while foreshadowing the battle ahead in his nomination for the agency's top job. The emails, released yesterday to the Sierra Club following Freedom of Information Act litigation, show Wheeler's — currently EPA's acting chief — interactions with an assortment of political appointees at the agency as he readied for Senate confirmation as the agency's second in command. The records also offer insights into how EPA operates today, showing how aides have dealt with questions over ethics and industry interests regulated by the agency. Wheeler was first nominated in October 2017 for EPA's No. 2 job. He faced months of questioning from Democratic senators, including over his lobbying record for energy and environmental clients, including coal giant Murray Energy Corp. "I have not read the Murray Action Plan and I do not intend to," Wheeler said in a January 2018 [email](#) to aides to Sen. Tom Carper (D-Del.), ranking member on the Environment and Public Works Committee, as well as EPA officials. "I am happy to discuss again the circumstances from a year ago when I glanced at it." That plan was a wish list crafted by Murray Energy of policy items for the Trump administration to take action on, including rolling back various

environmental regulations as well as exiting the Paris climate change accord...

EPA: Wheeler: Obama admin 'tried to tip the scales' on EVs Acting EPA Administrator Andrew Wheeler today accused the Obama administration of engaging in "social engineering" by setting policies that encouraged people to purchase electric vehicles. "The Obama administration was social engineering. ... I think the Obama administration went beyond the statutes and tried to tip the scales," Wheeler said today during a Bloomberg New Energy Finance summit on mobility in San Francisco. "We're not trying to social engineer people into a particular type of vehicle," he said, adding, "I don't think it's EPA's role to promote a certain type of fuel source, such as electric vehicles. We have to make sure the playing field is level for everyone." Wheeler was referring to the Obama administration's clean car standards, which helped incentivize automakers to produce more electric vehicles...

EPA: Wheeler's ex-firm lobbied agency on efforts he oversees A former colleague of acting EPA Administrator Andrew Wheeler repeatedly met with top EPA officials about toxic waste sites and regulations that Wheeler now controls, newly released emails show. The communications between EPA's former point man for the Superfund toxic waste cleanup program and an ex-director at Wheeler's old lobbying firm discuss two specific sites and one rulemaking — all of which Wheeler hasn't recused himself from working on. The emails raise questions about the sufficiency of the acting administrator's ethics disclosures, according to experts...